

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

CAROL A. CONNER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. _____
)	
METRO NORTH CROSSING, LLC,)	
)	
Defendant.)	

NOTICE OF REMOVAL
(28 USC §1441; 28 USC §1446)

Defendant Metro North Crossing, LLC files this Notice of Removal from the Circuit Court of Clay County, Missouri. The grounds for removal are:

1. This is a civil action originally filed in the Circuit Court of Clay County, Missouri. The original Petition alleges personal injuries due to Defendant's negligence in a slip and fall incident.

2. The Court has original subject matter jurisdiction under 28 USC §1332(a)(1), and Defendant is entitled to remove this action to this Court pursuant to 28 USC §1441 because there is complete diversity of citizenship between all parties, and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs, based upon information and belief.

3. 28 USC §1441(a) provides:

Except as otherwise expressly provided by Act of Congress, any civil brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

4. Plaintiff is a citizen of Missouri. *See* Petition for Damages, attached as Exhibit A, ¶ 1.

5. Defendant Metro North Crossing, LLC is a limited liability company registered and doing business in the state of Missouri. *See* Exhibit A, ¶ 2.

6. A limited liability company is the citizen of every state in which its members are citizens. *OnePoint Solutions, LLC v. Borchert*, 486 F.3d 342, 346 (8th Cir. 2007).

7. The sole member of Defendant Metro North Crossing, LLC is Patrick Hayes, and Patrick Hayes lives in Kansas and is a citizen of Kansas.

8. Upon information and belief, Plaintiff's claim will be in excess of \$75,000, although not specifically pled in Plaintiff's Petition. Plaintiff alleges that she sustained injuries to her head and both arms, and sustained bruises and contusions to her body. She also claims medical expense, loss of enjoyment of life, pain and suffering, and mental anguish, all of which may continue into the future. *See* Exhibit A, ¶ 10.

9. Pursuant to 28 USC §1446(c)(2)(A)(ii), Defendant may assert the amount in controversy because Missouri state practice either does not permit demand for a specific sum or permits recovery of damages in excess of the amount demand.

10. Defendant Metro North Crossing, LLC was served with Summons and Plaintiff's Petition on June 21, 2019, and this Notice of Removal is timely filed pursuant to 28 USC §1446(b)(1).

11. Pursuant to 28 USC §1441(a), the United States District Court for the Western District of Missouri – Western Division is the proper federal District Court.

12. Copies of all process, pleadings, and orders served upon Defendant are attached as Exhibits A and B.

13. Defendant has properly given notice of this removal to Plaintiff and the Circuit Court of Clay County, Missouri. In addition to filing a Notice of Filing of Notice of Removal with the State Court, Defendant is filing a copy of this Notice of Removal with the Clerk of the Circuit Court of Clay County, Missouri.

Respectfully submitted,

FOLAND, WICKENS, ROPER,
HOFFER & CRAWFORD, P.C.

/s/ John M. Brigg

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**ATTORNEYS FOR DEFENDANT
METRO NORTH CROSSING, LLC**

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the above and foregoing was sent via electronic mail and First Class U.S. Mail, postage prepaid, this 19th day of July, 2019 to the following:

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Attorney for Plaintiff

/s/ John M. Brigg

Attorney for Defendant